

## **FAMILY LAW INFORMATION CENTER**

Los Angeles Superior Court  
Norwalk Superior Court

### **ORDER TO SHOW CAUSE TO ESTABLISH/MODIFY CHILD SUPPORT, (NON-CSSD CASE - NO INVOLVEMENT WITH THE COUNTY OF LOS ANGELES) SPOUSAL SUPPORT, OR ATTORNEYS FEES AND COSTS**

These instructions provide the basic information you need to obtain or modify (by decreasing or increasing) a child and/or spousal support order/judgment and/or request attorney's fees and costs. These instructions are not designed to provide you with legal advice regarding your specific problem and cannot take the place of a consultation with a lawyer. If you follow these instructions, you will be able to get a court hearing at which you will represent yourself.

#### **YOU WILL NEED THE FOLLOWING FORMS (WHICH ARE ATTACHED):**

1. 1285 Order to Show Cause
2. 1285-20 Application for Order and Supporting Declaration
3. MC-030 Declaration
4. 1285-50 Income and Expense Declaration (Family Law) - four pages  
or  
1285-52 Financial Statement (Simplified)
5. 1285-84 Proof of Service (Personal Service)
6. 1285-85 Proof of Service (Service by Mail)
7. 1285-40 Responsive Declaration to Order to Show Cause
8. 1285-50 Income and Expense Declaration (Family Law) - four pages  
and  
1285-52 Financial Statement (Simplified)
9. 1285-85 Proof of Service (Service by Mail)

#### **WARNING:**

Before proceeding with the filing of any action for child and/or spousal support), it is strongly recommended (especially before attempting to modify a present order) that you obtain a Dissomaster print out of the possible child and/or spousal support order(s) based on the facts as you know them. The Family Law Information Center as well as the Office of the Family Law Facilitator has the computer program and can assist you in obtaining this print out. Please contact either location for further assistance.

#### **OFFICE OF THE FAMILY LAW FACILITATOR:**

Please be advised that the Office of the Family Law Facilitator can actually prepare the Order to Show Cause to establish and/or modify child and/or spousal support order(s) as well as health insurance orders in any case filed in Los Angeles County. This service is available to the public for free. You are encouraged to contact a Facilitator's Office for further information.

## **FILLING OUT THE FORMS:**

The documents should be typed (which is the preferable method) or printed using black ink (printing neatly and legibly). It is important that you understand the names of Petitioner and Respondent. The Petitioner is always the person who began this case by filing the first court documents. The Respondent is always the person who responds to the first court documents. The Petitioner and Respondent remain the same throughout the entire case, no matter who files documents.

To initiate the process to either establish or modify support, it will be necessary for you to complete Forms 1 - 4. Carefully review and complete the forms as necessary. On Form 2 (1285-20), select the financial relief you are requesting and complete the information requested on the form. On Item 10 of this form, you must explain why you are requesting specific financial relief, whether it is establishing (initiating) a support order or modifying the present order/judgment (either decreasing or increasing the amount). Form 3 (MC-030) has been included with the packet in the event you need more space for your declaration. Make sure that your explanation includes the most important information and keep it direct and short, i.e. you have lost your job, your job hours were decreased, the other party has had an increase in wages, a change in the time-sharing. These are just a few examples for you to consider but they should not be viewed as the only grounds for modifying a present support order. Include what information you have as to the other party's financial situation. A copy of the order/judgment you are modifying should be attached to your declaration.

As you are requesting financial assistance, you must complete Form 4, either the Income and Expense Declaration or the Financial Statement (Simplified). Both forms have been provided in this packet. You may use the Financial Statement (Simplified) only if you are seeking child support as your form of financial relief. This form may not be used in place of an Income and Expense Declaration if you are asking for any order regarding spousal support (establish, modify, or terminate), if you are asking the other party to pay your attorney's fees, you are self-employed, or you receive money (income) from any source other than the following:

- Welfare (such as AFDC, GR, GA, TANF)
- Disability
- Worker's Compensation
- Retirement
- Salary or Wages
- Unemployment
- Social Security

The Court generally has a very busy calendar. The Judge relies heavily on your written documents at the time of the hearing. There is no guarantee what amount of time, if any, the Judge will have available to hear oral testimony on the issues raised by you. Make sure that your explanation includes the most important information and keep it direct and short.

## **COPY FORMS:**

After you complete Forms 1-4, make two exact copies of the originals and keep all of them in order.

## **FILE THE ORIGINALS:**

Take the original forms and your two copies to the Filing Clerk of the appropriate Court (Room 102 on the 1<sup>st</sup> Floor of the Los Angeles Superior Court or Room 101 on the 1<sup>st</sup> Floor of the Norwalk Superior Court) and file your documents. The Clerk will keep the originals, set a Court hearing date and return the two conformed copies to you. The conformed copies will include the date, time and location of the hearing.

There is a filing fee associated with the filing of these documents, currently \$23.00 (for an initial hearing) or \$43.00 (for a modification hearing), unless you qualify for a “Fee Waiver.” Separate forms to apply for a fee waiver are available either through the Family Law Information Center or the Filing Clerk’s Office/Forms Office (Room 112 at the Los Angeles Superior Court or Room 101 at the Norwalk Superior Court). If you are the Respondent and this is the first paper you have filed in the case, you will have to pay the first appearance fee (\$191.00) in addition to the fee associated with these papers. If you already have a Fee Waiver Order, there will be charge associated with the filing of these documents.

### **SERVE THE COPIES:**

The other party must be served with a service package. A service package will consist of the following documents:

1. Conformed copy of Forms 1 - 4 (Form 3 only if used)
2. If service on the Other Party/Attorney of Record is by mail, a copy of the completed Proof of Service (Service by Mail) Form 6)
3. Blank Responsive Declaration (Form 7)
4. Blank Income and Expense Declaration and Financial Statement (Simplified) - (Form 8)
5. Blank Proof of Service (Service by Mail)

At least 21 days before the hearing date, you must have an adult friend or relative (NOT YOU) personally serve the other party (or the other party’s attorney if they are represented by counsel) with the service package. The Sheriff’s Department can serve the other party. They will charge \$28.00 to serve, but you take a risk that they may not serve in sufficient time and you may have to either start the process again or continue the hearing to allow the other party sufficient time to be served.

Under certain circumstances, the other party may be served with the service package by mail. This, however, requires a minimum of an additional five (5) days for the service (26 days as opposed to 21 days) if mailed in California. Rules vary for out-of-state service so please check sources before electing to serve the other party by mail. Even if the service package is mailed to the other party, service must be affected by any person over the age of 18, who is not a party to this action.

### **PROOF OF SERVICE:**

The person who serves the other party with the forms (either personally or by mail) must complete, date and sign the Proof of Service (Forms 5 or 6). Once the form has been completed, make a copy. Take the original and copy to the Filing Clerk at least ten (10) days prior to the date of your hearing to be filed. Be sure to bring your conformed copy of the Proof of Service with you to Court on the date of your hearing.

**HEARING DAY:**

You **MUST** be on time. A calendar of cases will be posted outside of the Courtroom on the hearing date. Check you name and calendar number (located on the left-hand side of your name). The Clerk and/or Bailiff may ask you for your calendar number when you check in. When the Court is ready, listen carefully for your name and number to be called. Be prepared to answer any of the Court's questions to support your requested relief.

**THE FAMILY LAW INFORMATION CENTER HAS VARIOUS VIDEOS  
PERTAINING TO CHILD SUPPORT, SPOUSAL SUPPORT, THE  
PREPARATION OF AN ORDER TO SHOW CAUSE APPLICATION  
AND DECLARATION, AND COMPLETING  
AN INCOME AND EXPENSE DECLARATION.  
YOU ARE WELCOME TO VIEW THESE VIDEOS, AND ANY OTHERS,  
DURING REGULAR BUSINESS HOURS OF THE  
FAMILY LAW INFORMATION CENTER.**